

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160610
	:	TRIAL NO. B-1600970-B
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
MARJORIE TURNER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Marjorie Turner sold a guitar valued at \$12,000, which her boyfriend had stolen. Her boyfriend was charged with burglary. Turner pleaded guilty to receiving stolen property. The trial court imposed a 12-month sentence. Turner now asserts that the 12-month sentence was excessive and not supported by the record. We affirm.

In her sole assignment of error, Turner claims that the trial court's judgment is not supported by the record because the court sentenced Turner to more than the minimum term and the court did not properly consider the purposes and principles of sentencing.

We may only modify or vacate Turner's sentence if we "clearly and convincingly find" that her sentence is contrary to law. *See* R.C. 2953.08(G)(2). The trial court sentenced Turner to a term of 12 months for receiving stolen property. *See* R.C. 2913.51(A). Her conduct rose to the level of a fourth-degree felony due to the value of the guitar. *See* R.C. 2913.51(C). Turner's 12-month sentence was within the statutory range for a fourth-degree felony. *See* R.C. 2929.14(A)(4). A sentence that is within the

statutory range is not contrary to law. *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 12 (1st Dist.).

Turner also claims that the trial court did not adequately consider the purposes and principles of sentencing. Trial courts are required to consider the purposes and principles of sentencing set forth in R.C. 2929.11 and 2929.12. However, the trial court is not required to make specific findings. “We can presume from a silent record that the trial court considered the appropriate factors unless the defendant affirmatively shows that the court has failed to do so.” *State v. Bohannon*, 1st Dist. Hamilton No. C-130014, 2013-Ohio-5101, ¶ 7. Turner has not demonstrated that the trial court failed to consider the purposes and principles of sentencing. As a result, we overrule Turner’s sole assignment of error and affirm the trial court’s judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on June 2, 2017

per order of the court _____.

Presiding Judge